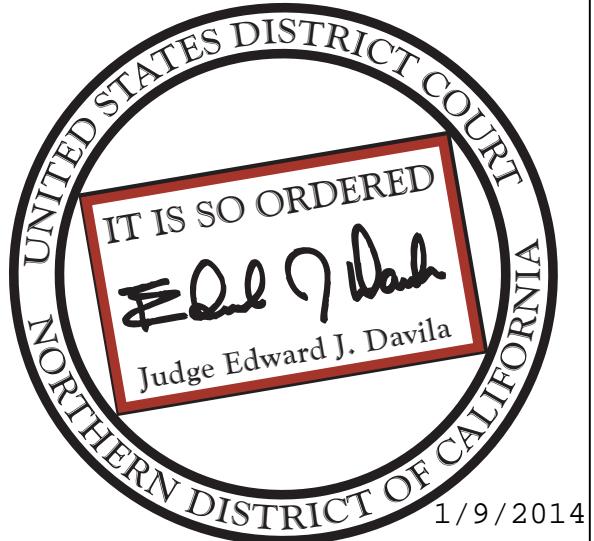


1 DARON L. TOOCH (State Bar No. 137269)
2 KATHERINE M. DRU (State Bar No. 280231)
3 **HOOPER, LUNDY & BOOKMAN, P.C.**
4 1875 Century Park East, Suite 1600
5 Los Angeles, California 90067-2517
6 Telephone: (310) 551-8111
7 Facsimile: (310) 551-8181
8 E-Mail: dtooch@health-law.com

9
10 Attorneys for Plaintiffs BAY AREA SURGICAL
11 GROUP, INC.; KNOWLES SURGERY
12 CENTER, LLC, NATIONAL AMBULATORY
13 SURGERY CENTER, LLC, LOS ALTOS
14 SURGERY CENTER, LP, FOREST
15 SURGERY CENTER, LP and SOAR
16 SURGERY CENTER, LLC



17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

30 BAY AREA SURGICAL GROUP, INC.;
31 KNOWLES SURGERY CENTER, LLC;
32 NATIONAL AMBULATORY SURGERY
33 CENTER, LLC; LOS ALTOS SURGERY
34 CENTER, LP; FOREST AMBULATORY
35 SURGICAL ASSOCIATES, LP; SOAR
36 SURGERY CENTER, LLC,

37 CASE NO. 13-CV-05430 EJD

38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
5510
5511
5512
5513
5514
5515
5516
5517
5518
5519
5520
5521
5522
5523
5524
5525
5526
5527
5528
5529
5530
5531
5532
5533
5534
5535
5536
5537
5538
5539
5540
5541
5542
5543
5544
5545
5546
5547
5548
5549
55410
55411
55412
55413
55414
55415
55416
55417
55418
55419
55420
55421
55422
55423
55424
55425
55426
55427
55428
55429
55430
55431
55432
55433
55434
55435
55436
55437
55438
55439
55440
55441
55442
55443
55444
55445
55446
55447
55448
55449
55450
55451
55452
55453
55454
55455
55456
55457
55458
55459
55460
55461
55462
55463
55464
55465
55466
55467
55468
55469
55470
55471
55472
55473
55474
55475
55476
55477
55478
55479
55480
55481
55482
55483
55484
55485
55486
55487
55488
55489
55490
55491
55492
55493
55494
55495
55496
55497
55498
55499
554100
554101
554102
554103
554104
554105
554106
554107
554108
554109
554110
554111
554112
554113
554114
554115
554116
554117
554118
554119
554120
554121
554122
554123
554124
554125
554126
554127
554128
554129
554130
554131
554132
554133
554134
554135
554136
554137
554138
554139
554140
554141
554142
554143
554144
554145
554146
554147
554148
554149
554150
554151
554152
554153
554154
554155
554156
554157
554158
554159
554160
554161
554162
554163
554164
554165
554166
554167
554168
554169
554170
554171
554172
554173
554174
554175
554176
554177
554178
554179
554180
554181
554182
554183
554184
554185
554186
554187
554188
554189
554190
554191
554192
554193
554194
554195
554196
554197
554198
554199
554200
554201
554202
554203
554204
554205
554206
554207
554208
554209
554210
554211
554212
554213
554214
554215
554216
554217
554218
554219
554220
554221
554222
554223
554224
554225
554226
554227
554228
554229
554230
554231
554232
554233
554234
554235
554236
554237
554238
554239
554240
554241
554242
554243
554244
554245
554246
554247
554248
554249
554250
554251
554252
554253
554254
554255
554256
554257
554258
554259
554260
554261
554262
554263
554264
554265
554266
554267
554268
554269
554270
554271
554272
554273
554274
554275
554276
554277
554278
554279
554280
554281
554282
554283
554284
554285
554286
554287
554288
554289
554290
554291
554292
554293
554294
554295
554296
554297
554298
554299
554300
554301
554302
554303
554304
554305
554306
554307
554308
554309
554310
554311
554312
554313
554314
554315
554316
554317
554318
554319
554320
554321
554322
554323
554324
554325
554326
554327
554328
554329
554330
554331
554332
554333
554334
554335
554336
554337
554338
554339
5543310
5543311
5543312
5543313
5543314
5543315
5543316
5543317
5543318
5543319
55433100
55433101
55433102
55433103
55433104
55433105
55433106
55433107
55433108
55433109
55433110
55433111
55433112
55433113
55433114
55433115
55433116
55433117
55433118
55433119
554331100
554331101
554331102
554331103
554331104
554331105
554331106
554331107
554331108
554331109
554331110
554331111
554331112
554331113
554331114
554331115
554331116
554331117
554331118
554331119
5543311100
5543311101
5543311102
5543311103
5543311104
5543311105
5543311106
5543311107
5543311108
5543311109
5543311110
5543311111
5543311112
5543311113
5543311114
5543311115
5543311116
5543311117
5543311118
5543311119
55433111100
55433111101
55433111102
55433111103
55433111104
55433111105
55433111106
55433111107
55433111108
55433111109
55433111110
55433111111
55433111112
55433111113
55433111114
55433111115
55433111116
55433111117
55433111118
55433111119
554331111100
554331111101
554331111102
554331111103
554331111104
554331111105
554331111106
554331111107
554331111108
554331111109
554331111110
554331111111
554331111112
554331111113
554331111114
554331111115
554331111116
554331111117
554331111118
554331111119
5543311111100
5543311111101
5543311111102
5543311111103
5543311111104
5543311111105
5543311111106
5543311111107
5543311111108
5543311111109
5543311111110
5543311111111
5543311111112
5543311111113
5543311111114
5543311111115
5543311111116
5543311111117
5543311111118
5543311111119
55433111111100
55433111111101
55433111111102
55433111111103
55433111111104
55433111111105
55433111111106
55433111111107
55433111111108
55433111111109
55433111111110
55433111111111
55433111111112
55433111111113
55433111111114
55433111111115
55433111111116
55433111111117
55433111111118
55433111111119
554331111111100
554331111111101
554331111111102
554331111111103
554331111111104
554331111111105
554331111111106
554331111111107
554331111111108
554331111111109
554331111111110
554331111111111
554331111111112
554331111111113
554331111111114
554331111111115
554331111111116
554331111111117
554331111111118
554331111111119
5543311111111100
5543311111111101
5543311111111102
5543311111111103
5543311111111104
5543311111111105
5543311111111106
5543311111111107
5543311111111108
5543311111111109
5543311111111110
5543311111111111
5543311111111112
5543311111111113
5543311111111114
5543311111111115
5543311111111116
5543311111111117
5543311111111118
5543311111111119
55433111111111100
55433111111111101
55433111111111102
55433111111111103
55433111111111104
55433111111111105
55433111111111106
55433111111111107
55433111111111108
55433111111111109
55433111111111110
55433111111111111
55433111111111112
55433111111111113
55433111111111114
55433111111111115
55433111111111116
55433111111111117
55433111111111118
55433111111111119
554331111111111100
554331111111111101
554331111111111102
554331111111111103
554331111111111104
554331111111111105
554331111111111106
554331111111111107
554331111111111108
554331111111111109
554331111111111110
554331111111111111
554331111111111112
554331111111111113
554331111111111114
554331111111111115
554331111111111116
554331111111111117
554331111111111118
554331111111111119
5543311111111111100
5543311111111111101
5543311111111111102
5543311111111111103
5543311111111111104
5543311111111111105
5543311111111111106
5543311111111111107
5543311111111111108
5543311111111111109
5543311111111111110
5543311111111111111
5543311111111111112
5543311111111111113
5543311111111111114
5543311111111111115
5543311111111111116
5543311111111111117
5543311111111111118
5543311111111111119
55433111111111111100
55433111111111111101
55433111111111111102
55433111111111111103
55433111111111111104
55433111111111111105
55433111111111111106
55433111111111111107
55433111111111111108
55433111111111111109
55433111111111111110
55433111111111111111
55433111111111111112
55433111111111111113
55433111111111111114
55433111111111111115
55433111111111111116
55433111111111111117
55433111111111111118
55433111111111111119
554331111111111111100
554331111111111111101
554331111111111111102
554331111111111111103
554331111111111111104
554331111111111111105
554331111111111111106
554331111111111111107
554331111111111111108
554331111111111111109
554331111111111111110
554331111111111111111
554331111111111111112
554331111111111111113
554331111111111111114
554331111111111111115
554331111111111111116
554331111111111111117
554331111111111111118
554331111111111111119
5543311111111111111100
5543311111111111111101
5543311111111111111102
5543311111111111111103
5543311111111111111104
5543311111111111111105
5543311111111111111106
5543311111111111111107
5543311111111111111108
5543311111111111111109
5543311111111111111110
5543311111111111111111
5543311111111111111112
5543311111111111111113
5543311111111111111114
5543311111111111111115
5543311111111111111116
5543311111111111111117
5543311111111111111118
5543311111111111111119
55433111111111111111

1 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i),
2 Plaintiffs BAY AREA SURGICAL GROUP, INC.; KNOWLES SURGERY CENTER, LLC;
3 NATIONAL AMBULATORY SURGERY CENTER, LLC; LOS ALTOS SURGERY CENTER,
4 LP; FOREST AMBULATORY SURGICAL ASSOCIATES, LP; and SOAR SURGERY
5 CENTER, LLC, by and through its counsel, voluntarily dismisses without prejudice all causes of
6 action against Defendant DIAGEO NORTH AMERICA, INC. in the above-captioned action.
7 This dismissal relates ONLY to DIAGEO NORTH AMERICA, INC.

8

9 DATED: January 8, 2013 HOOPER, LUNDY & BOOKMAN, P.C.

10

11

By: /s/ Daron L. Tooch

DARON L. TOOCH

12 Attorneys for Plaintiffs BAY AREA SURGICAL
13 GROUP, INC.; KNOWLES SURGERY CENTER,
14 LLC, NATIONAL AMBULATORY SURGERY
15 CENTER, LLC, LOS ALTOS SURGERY CENTER,
16 LP, FOREST SURGERY CENTER, LP and SOAR
17 SURGERY CENTER, LLC

18

19

20

21

22

23

24

25

26

27

28